

# भारत का राजपत्र

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EXTRAORDINARY

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PART II—Section

आधिकार से प्रकाशित

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No. 77] NEW DELHI, FRIDAY, DECEMBER 20, 1968/AGRAHAYANA 29, 1890

इस भाग में अलग पृष्ठ संख्या दी जाती है जिससे कि यह घलग संकलन के क्षम में रखा जा सके।

Separate paging is given to this Part in order that it may be filed  
as a separate compilation.

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 20th December, 1968/Agrahayana 29, 1890 (Saka)

The following President's Act is published for general information:—

### THE PUNJAB LOCAL AUTHORITIES (AIDED SCHOOLS) AMENDMENT ACT, 1968

No. 37 of 1968

Enacted by the President in the Nineteenth Year of the  
Republic of India.

An Act further to amend the Punjab Local Authorities (Aided Schools) Act, 1959.

In exercise of the powers conferred by section 3 of the Punjab State Legislature (Delegation of Powers) Act, 1968, the President is pleased to enact as follows:—

1. (1) This Act may be called the Punjab Local Authorities Short title  
(Aided Schools) Amendment Act, 1968. and com-  
mencement.

(2) It shall come into force at once.

*Amendment  
of section 5.*

2. In the Punjab Local Authorities (Aided Schools) Act, 1959, as in <sup>Punjab Act  
22 of 1959</sup> force in the State of Punjab (hereinafter referred to as the principal Act), in section 5, after sub-section (3), the following sub-sections shall be inserted, namely:—

'(4) The initial order continued in force under sub-section (2) may, by an order made by the State Government, be continued in force for a further period of one year by the State Government under the circumstances and in the manner provided in that sub-section

(5) An order under sub-section (4) may be made within a period of six months of the date of expiry of the order made under sub-section (2) (hereinafter referred to as "the second order") and where an order is made under sub-section (4) for further continuing in force the initial order, the order so made shall have effect from the date of expiry of the second order and shall be deemed to be in force during the period intervening the date of expiry of the second order and the date on which an order is made under sub-section (4) and shall not be called in question before any court or other authority merely on the ground that it was made after the expiry of the second order.'

*Repeal and  
saving.*

3. (1) The Punjab Local Authorities (Aided Schools) Amendment Ordinance, 1968 is hereby repealed.

<sup>Punjab Or-  
dinance 3 of  
1968.</sup>

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act as if this Act had come into force on the 1st day of October, 1968.

ZAKIR HUSAIN,

*President.*

V. N. BHATIA,

*Secy. to the Govt. of India.*

*Reasons for the enactment*

The schools of the local bodies were provincialised by the erstwhile State of Punjab with effect from the 1st October, 1967 and for that purpose the Punjab Local Authorities (Aided Schools) Act, 1959 (22 of 1959) was enacted by the erstwhile Punjab State Legislature. This Act had retrospective effect from the 1st October, 1957. Under section 3 of this Act, a local body could pass a resolution to hand over the management and control of its aided schools to the State Government. If a local body was reluctant to pass a resolution, the State Government was empowered under section 5 of the Act to take over the management of the schools of the local body *suo motu* for a period of ten years in the public interest. Certain Municipal Committees did not agree to transfer the control and did not pass resolutions under section 3 of the Act and, therefore, the Government of Punjab, under section 5 of the Act, assumed control of their schools for a period of ten years. This period expired on the 30th September, 1967 and as such it became necessary either to hand over the management of the schools to the local bodies or to amend the Act in order to continue the management of such schools by the State Government for some more time in the public interest. It was considered necessary by the Government of Punjab to continue the management of such schools and for this purpose section 5 of the Act was amended by the Punjab Local Authorities (Aided Schools) Amendment Act, 1968 (8 of 1968).

2. The period extended by the aforesaid amendment Act was to expire on the 1st October, 1968. The question whether the schools, the management of which has been taken over by the State Government, should be retained permanently by the State Government or the same may be returned to the respective local bodies, is still under the consideration of the State Government. Since there may be delay to take a decision on the matter, it was considered necessary to further extend the period of management of the schools for another year with effect from the 1st October, 1968 and for that purpose the Governor of Punjab promulgated on 30th September, 1968 the Punjab Local Authorities (Aided Schools) Amendment Ordinance, 1968.

3. The proposed measure seeks to replace the Ordinance aforesaid by means of a President's Act.

4. The Committee constituted under the proviso to sub-section (2) of section 3 of the Punjab State Legislature (Delegation of Powers) Act, 1968 (48 of 1968) has been consulted before the enactment of this measure as a President's Act.

G. K. CHANDIRAMANI,  
*Secy. to the Govt. of India,*  
*Ministry of Education.*